

### **REMARKS**

This paper is presented in response to the non-final official action dated April 25, 2008 (hereinafter the “Action”), in which claims 1-22 were pending and rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. This paper is timely filed as it is accompanied by a petition for a one month extension of time and the required fee. The applicant respectfully requests reconsideration and allowance of the pending claims.

The Action was sent in response to a supplemental amendment filed on July 30, 2007 in which the applicants, at the Patent Office’s request, filed a comprehensive amendment in accordance with 37 CFR 1.173 outlining all amendments made during reissue prosecution. The applicant notes that no new amendments were made in the amendment filed July 30, 2007. Rather, the amendment filed July 30, 2007 was simply a compilation of previous amendments to help the Patent Office identify any subject matter that was added to the claims during reissue prosecution. The applicant notes that the currently rejected language of “a wasted food registration means” was not rejected under § 112 when it was first presented in an amendment dated February 14, 2006. Regardless, the applicant respectfully submits that the currently rejected language is fully supported by the specification and claims as originally filed.

As outlined in the amendment filed February 14, 2006, support for a wasted food registration means may be found in the specification of U.S. Patent No. 6,026,372, of which the instant application is a reissue application, at least at col. 2, lines 50-52; col. 4, line 64 to col. 5, line 2; and in Fig. 2. Thus, the applicant respectfully submits that support for a wasted food registration means is found in the specification and claims as originally filed. As a result, the applicant respectfully requests withdrawal of the rejection of claims 1-22.

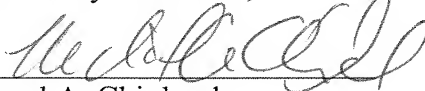
Application No. 10/077,364  
Amendment dated August 22, 2008  
Reply to Office Action dated April 25, 2008

Docket No.: 29178/38215

In view of the foregoing remarks and due to the fact that the claims were not rejected over any prior art, the applicant believes the pending application is in condition for allowance.

Dated: August 22, 2008

Respectfully submitted,

By 

Michael A. Chinlund

Registration No.: 55,064  
MARSHALL, GERSTEIN & BORUN  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Agent for Applicant